G. R. S. IX-5]

Previous references.

1892
~~191~~.
(Courts)

File No. 10

Serial Nos. 1—2

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—2

Part B for October 1892

SUBJECT.

Rules of practice regarding the submission of Calendars in Criminal Cases.

W D 88—GPB—50,000—24-7-16

Countermarked
Released

(General Serial No. 29.)

OFFICE OF THE
3102
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288 92
VAR DE MYSORE

Courts — 1892.

From

10-1892 The Registrar of the Chief Court, Mysore

To

The Secretary to the Dewan of Mysore.

Dated 15th Sept 92

Despatched 16th "

Received

Enclosures No. two

General No. 4699 } 188 —8

No. 135

Submits for the sanction of Govt the accompanying Rule of Practice No. 58 dated September 92, framed by this Court in supercession of the Rule of Practice No. 52 dated 12th March 90 regarding the submission of Calendars in Criminal cases.

Jud Mem 16/9/92

Subd for orders
vide marginal nos in pencil.
The chief effect of the changes proposed is to divert the sessions Judges of the supervision of the District Magistrates in the matter of the submission of Calendars &c.

Recd 135 for 1892
C.M.Ltr

Transmit Rule of Practice framed by the Chief Court under Section 6 Clause 1 of Regulation IV of 1884 for the sanction of Government.

Drafted
Dnk 29/10.

No. 4699 Jud. Two
135

Bangalore 15th September 1892.

From

The Registrar of the
Chief Court of Mysore.

To

The Chief Secretary to the
Dewan of Mysore.

Sir,

Under the provisions of Section 553 Criminal Procedure Code, I am directed to submit for the sanction of Government the accompanying Rule of Practice No: 58 dated 1st September 1892 framed by this Court in supersession of the Rule of Practice No: 52 dated 12th March 1890, regarding the submission of Calendars in Criminal cases disposed of by the Sessions Judges and Magistrates.

I have the honor to be,
Sir,
Your most Obedient Servant,
[illegible]
For Registrar

mlw

In the Chief Court of Mysore.

Criminal Side.

Rule of Practice No: 58 dated September 1892

No: 30, dated 5 July 1883.
No: 38, dated 6 January 1885.
No: 44, dated 27 October 1886.
No: 48, dated 15 August 1887.
No: 52, dated 12th March 1890.

In supersession of the Rules of practice noted in the margin, the Chief Court under Section 553 of the Code of Criminal Procedure and with the sanction of Government, has framed the following Rules for the submission of Calendars.

Original Jurisdiction.

Sessions Judges 1- Courts of Sessions Judges will transmit to the Chief Court Copies of all judgments and Orders, together with a tabular Statement in the annexed form, within 48 hours after the date of pronouncing Judgment or Order in each case.

2. In cases which may be submitted to a Sessions Judge, for confirmation of sentence; under para 2, Section 34, Criminal Procedure Code, a copy of the Order passed by the

Sessions

Sessions Judge, together with a copy of the judgment passed by the Deputy Commissioner exercising the special powers, should be submitted with a tabular Statement, in the annexed form, within 48 hours from the date of the Order.

3. District Magistrates will forward to the Chief Court copies of all their judgments and Orders, together with a tabular Statement in all cases tried by them, including proceedings held under Chapters 8, 10, 11, 12 and 36 of the Code of Criminal Procedure, within 24 hours after pronouncing the judgment or Order. District Magistrates to forward to Chief Court copies of judgments &c.

4. Sub Division Magistrates and all first class Magistrates will Sub Division Magistrates & First class Magistrates

S

will submit Copies of Judgments and Orders, together with a tabular Statement, to the District Magistrate, in all cases tried by them, including the proceedings held by them under Chapters VIII, X, XI, XII and XXXVI of the Criminal Procedure Code, within 24 hours after the close of the trial.

5. District Magistrates will, after perusal, forward them without delay to the Chief Court, bringing at the same time, to the notice of the Chief Court, any errors or irregularities in the proceedings of the Magistrates, Judgments or orders passed in Summons Cases by Sub Division Magistrates and by First Class Magistrates need not be submitted to the Chief Court under this rule.

Bto S. Court with Bobl Stes- rule -

* This is new. No distinction was drawn before between Summons & warrant cases.

This

This does not prevent a District Magistrate from submitting a judgment for the perusal of the Chief Court if he considers that the case is of some importance, or that it is otherwise necessary.

6. All Second and Third Class Magistrates will submit Copies of all judgments and Orders passed by them, together with the prescribed Statements to the District Magistrate, and where there is a Sub Division Magistrate, through such Magistrate, within 24 hours after the close of the trial. In the latter case, the Sub Division Magis-trate will, after examining the State-ments, judgments and Orders, forward them to the District

Magistrate

Magistrate, bringing at the same time, to the notice of the District Magistrate, any errors or irregularities in the proceedings of the Subordinate Magistrates.

7- If an order of discharge is passed by a District Magistrate under Section 209 of the Code of Criminal Procedure, a Copy of the Order will, in the first instance, be submitted to the Sessions Judge. If the order is passed by any other Magistrate, he will forward it to the District Magistrate who will, without unnecessary delay, forward it to the Sessions Judge. Sessions Judges will forward these Copies after perusal to the Chief Court.

His Excellency

8- Statements need not accompany

Copies

Copies of judgments or Orders when cases are compounded, or are permitted to be withdrawn, or when they are dismissed for default of the Complainant's appearance.

This is for — after the cases have been heard, then the Superior Court will have occasion to check irregularities or delays in such cases —

9. District Magistrates, to whom Copies of judgments of the Subordinate Magistracy are submitted, will carefully examine them and report at once to the Chief Court any cases which, in their opinion, may call for revision.

10. Copies of Proceedings, if any passed by District Magistrates, or Sub Division Magistrates, on the Statements and judgments submitted to them, together with Copies of the Statements and judgments so revised,

will

will be submitted by District Magi-
=trates to the Chief Court. If no
proceedings are passed by a District
Magistrate, or a Sub Division Magi-
=trate, on the Statements and judg-
=ments submitted to them, the State-
=ments and judgments themselves
need not be submitted to the Chief
Court.

Appellate Jurisdiction.

11. A Copy of every judgment or
order passed by Sessions Judges in
the exercise of their Appellate Juris-
=diction, and a copy of every Miscella-
=neous order passed by them under
the provisions of the Criminal Pro-
=cedure Code, finally disposing of

any

any matter sub judice, will be submitted to the Chief Court within 48 hours after passing the same.

12. A Copy of every judgment or Order passed by District Magistrates in the exercise of their Appellate jurisdiction and of every Miscellaneous Order passed by them under the provisions of the Criminal Procedure Code, finally disposing of any matter sub judice, will be submitted to the Chief Court within 48 hours after passing the same.

~~to be sent~~ sent to the Chief Court

13. Copies of judgments on appeal and of miscellaneous orders as above, passed by Sub Division Magistrates

Magistrates and 1st Class Magistrates will be submitted within 48 hours to the District Magistrate. The District Magistrate, after examining them, will submit them to the Chief Court.

Both Sessions Court - under to old rule.

14. The Copy of judgment passed on appeal, which, under paras 11, 12 and 13, is required to be submitted to the Chief Court, or the District Magistrate, shall invariably be accompanied by a copy of the judgment or order appealed against, together with the Statement accompanying such judgment or order.

15. Copy of proceedings, if any, passed by District Magistrate

on

on the judgments and orders passed on appeal, and submitted to them as above, will be forwarded to the Chief Court.

Note.

(a) Any remark to the effect that a judgment is not in the prescribed form, or that it is not submitted within the prescribed time, or an order calling for an explanation, is not a proceeding within the meaning of this rule and of rule ten.

(b) It is not a proceeding within the meaning of this rule and of rule ten, when a District Magistrate simply remarks that the sentence passed by a Subordinate Magistrate might have

have been more or less severe, but does not consider it necessary to make a reference to the Chief Court.

16- The following are some of the points which District Magistrates will particularly notice when exercising their powers of supervision

(a) The rash or unnecessary issue of process.

(b) The dealing with disputed claims of right under color of a charge of Criminal trespass or mischief and convictions for these offences without a finding as to the Criminal intent.

(c) The indiscreet imposition of fines beyond the means of offenders.

(d) The light punishment by Inferior Courts

Courts of offences requiring severe sentences in cases which ought to have gone up to a Superior Court for enhanced punishment.

(e) The imposition of heavy fines in addition to imprisonment with a view, in default of payment, to extend the term of imprisonment beyond the ordinary powers of the Magistrate to inflict.

(f) The exaction of excessive bail or excessive security for keeping the peace or for good behaviour.

(g) Unnecessary delay in the disposal of cases.

Form

Form of Statement 5

Serial Number.	Name of Complainant.	Description of accused						Offence Complained of	Date of						Remarks (2)
		Name	Father's Name	Caste	Calling	Age.	Residence.		Occurrence.	Complaint or Report.	Arrest by the Police or the first appearance before the Court.	Commencement of Trial	Close of Trial	Result of Trial ⊗	Number of Adjournments	Explanation of (1) delay	

(1) Explanations will be invariably submitted if the interval between the date of appearance of the accused and the date of judgment or sentence is more than a month.

(2) If the case is received by transfer from another Court, the date of the first appearance of the accused and the number of Adjournments in that Court as well as the particulars of previous conviction will be noted in the column of Remarks.

⊗ Note here discharged under Section
acquitted under Section
or convicted under Section
and sentenced to

16 aug 1

IN THE CHIEF COURT OF MYSORE.

Criminal Side.

Rule of Practice No. 52, dated 12th March 1890.

In supersession of the Rules of Practice noted in the margin, the Chief Court, under Section 553 of the Code of Criminal Procedure, and with the sanction of Government, has framed the following Rules for the submission of Calendars :—

No. 30, dated 5th July 1883.
No. 38, dated 6th January 1885.
No. 44, dated 27th October 1886.
No. 48, dated 15th August 1887.

ORIGINAL JURISDICTION.

1. Calendars of trials in the annexed form shall be prepared by the Courts of Session and submitted to the Chief Court within 48 hours ~~of the close of the Sessions~~ after the close of the trial in each

2. In cases which may be submitted to the Sessions Judge, for confirmation of the sentence, under para 2, Section 34, Criminal Procedure Code, a copy of the order passed by the Sessions Judge, together with a copy of the judgment passed by the Deputy Commissioner exercising the special powers, should be submitted with a tabular Statement, in the annexed form, within 48 hours from the date of the order of the Sessions Judge.

3. The Deputy Commissioners invested with special powers under Sections 30 and 34 of the Code of Criminal Procedure, will transmit to the Sessions Court, Calendars in the same form, within 24 hours after the conclusion of the trial, in cases where the sentence passed may not exceed ~~3~~ 4 years.

4. District Magistrates will send Statements, in the same form, in all the cases tried by them, including the proceedings held under Chapters VIII, X, XI, XII and XXXVI of the Criminal Procedure Code, to the Court of Session, within 24 hours after the close of the trial.

5. Sub-Divisional as well as 1st Class Magistrates will submit Statements in the same form to the District Magistrate, in all cases tried by them, including the proceedings held by them under Chapters VIII, X, XI, XII and XXXVI of the Criminal Procedure Code, within 24 hours after the close of the trial.

6. The District Magistrate will forward the Statements that he may receive under the preceding para to the Session Judge, excepting those which he may refer to the Chief Court for revision.

7. Sessions Judges will, after examining the Statements submitted to them under Rules 3, 4 and 6, forward them to the Chief Court, bringing at the same time to the notice of the Chief Court any errors or irregularities in the proceedings of the Magistrates.

8. All 2nd and 3rd Class Magistrates will submit a Calendar Statement of each case tried by them in the same form to the District Magistrate direct, or where there is a Sub-Divisional Magistrate, through such Magistrate. In the latter case, the Sub-Divisional Magistrate will, after examining the Statements, forward them to the District Magistrate, bringing at the same time, to the notice of the District Magistrate, any errors or irregularities in the proceedings of the Subordinate Magistrates.

9. If an accused person is discharged under Section 209 of the Criminal Procedure Code, a second or third Class Magistrate will forward a copy of the order to the District Magistrate or Sub-Divisional Magistrate, who will send it on to the Sessions Judge with such remarks as he may consider necessary.

10. In all these cases, the Statements should be accompanied by a copy of the Judgment or order.

11. District Magistrates, to whom copies of the Judgments of the Subordinate Magistracy are submitted, will carefully examine them and report at once to the Chief Court any cases which, in their opinion, may call for revision.

12. Copies of proceedings, if any, passed by the District Magistrates, or the Sub-Divisional Magistrates, on the Statements and Judgments submitted to them, together with copies of the Statements and Judgments so revised, should be submitted by the District Magistrate to the Chief Court. If no proceedings are passed by the District Magistrate or the Sub-Divisional Magistrate, on the Statements and Judgments submitted to them, the Statements and Judgments themselves need not be submitted to the Chief Court.

APPELLATE JURISDICTION AND MISCELLANEOUS PROCEEDINGS.

13. A copy of every Judgment or order passed by Sessions Judges in the exercise of their appellate jurisdiction, and a copy of every Miscellaneous order passed by them under the provisions of the Criminal Procedure Code, finally disposing of any matter Sub Judice, must be submitted to the Chief Court within 48 hours after passing the same.

14. A copy of every Judgment or order passed by District Magistrates in the exercise of their appellate jurisdiction and of every Miscellaneous order passed by them under the provisions of the Criminal Procedure Code, finally disposing of any matter Sub Judice, must be submitted to the Sessions Court within 48 hours after passing the same.

15. Copies of Judgment on appeal and of Miscellaneous orders as above, passed by the Sub-Divisional Magistrates and 1st Class Magistrates, will be submitted within 48 hours to the District Magistrate.

16. The District Magistrate, after examining them, will submit them to the Sessions Judge.

17. Sessions Judges will, after examining the Statements submitted to them under Rules 14 and 16, forward them to the Chief Court, bringing at the same time to the notice of the Chief Court any errors or irregularities in the proceedings of the Magistrates.

18. The copy of Judgment passed on appeal, which under paras 13, 14, 15, 16 and 17 is required to be submitted to the Chief Court, Sessions Judge, or the District Magistrate, shall invariably be accompanied by a copy of the Judgment or order appealed against, together with the Calendar or descriptive roll appended to such Judgment or order.

19. Copy of proceedings, if any, passed by the Sessions Judge and the District Magistrate on the Judgments and orders passed on appeal and submitted to them as above, should be forwarded to the Chief Court.

20. The following are some of the points which Sessions Judges and District Magistrates will particularly notice when exercising their powers of supervision :—

(*a.*) The rash or unnecessary issue of process.

(*b.*) The dealing with disputed claims of right under color of a charge of Criminal trespass or mischief and convictions held of the former offence without a finding as to the criminal intent.

(*c.*) The indiscreet imposition of fines beyond the means of offenders.

(*d.*) The light punishment by Inferior Courts of offences requiring severe sentences in cases which ought to have gone up to a superior Court for enhanced punishment.

(*e.*) The imposition of heavy fines in addition to imprisonment with a view, in default of payment, to extend the term of imprisonment beyond the ordinary powers of the Magistrate to inflict.

(*f.*) The exaction of excessive bail or excessive security for keeping the peace or for good behaviour.

(*g.*) Unnecessary delay in the disposal of cases.

21. In the Nundydroog Division, the copies of Judgments and orders and the Calendar Statements to be submitted to the Session Judge in connection with the exercise of original or appellate jurisdiction should be sent to the Chief Court.

expunged vide Rule of Practice No. 54.

Serial Number.	Names of Complainant.	Description of Accused.						Offence complained of.	Date of Report or complaint.	Date of Apprehension or appearance of accused.	Date of Commencement of trial.	Date of Disposal.	Result of Trial.	Number of Adjournments.	Explanation of delay.	Remarks.
		Name.	Father's Name.	Caste.	Calling.	Age.	Residence.									

N. B.—In the column of Remarks, particulars of previous convictions, if any, should be entered.

By Order,
S. R. SUBBARAYA IYER,
Registrar.

In the Chief Court of Mysore.

Sentenced vide

Rule of Practice No 54.

dated 20th Septr 1890.

The Chief Court directs that

para 21 of the Rule of Practice

No 52, dated 12th March 1890,

be expunged.

"By order"

(Signed) S. R. Sadasaya Iyer

Asst Registrar.

"Copy"

12/10

IN THE CHIEF COURT OF MYSORE.

ERRATUM.

The 14th November 1890.

The Chief Court directs that, in para 1 of Criminal Rule of Practice No. 52, dated 12th March 1890.

For the words,

"within 48 hours of the close of the Sessions" the words "within 48 hours after the close of the trial in each case" be substituted.

By the Court,

S. HAMAJEE ROW,
Registrar.

By the Court,

S. HAMAJEE ROW,
Registrar.

IN THE CHIEF COURT OF MYSORE.

ADDENDUM.

The 4th September 1890.

The Chief Court directs that, in line 3, para 8 of Criminal Rule of Practice No. 52, dated 12th March 1890, after the words "through such Magistrates" the following be added "within 24 hours after the close of the trial."

By Order of the Court,
S. R. SUBBARAYAR,
Registrar.

Mysore Government Central Press, Bangalore.—8-9-90—300.

Section Courts
File No 10-1892
Serial No 2

Read:-

Letter No. 4699/135 dated 15th September 1892 from the Registrar of the Chief Court of Mysore submitting for ~~[illegible]~~ sanction ~~the~~ a draft ~~[illegible]~~ Rule of Practice No. 5-8 dated 1st September/92, framed by the Chief Court in supercession of the Rule of Practice No. 5-2 dated 12th March 1890, regarding the submission of calenders in Criminal cases disposed of by the Sessions judges and magistrates.

J Reg no 327

Order thereon No. 6183 dt 29/10/92 J.7.153-92-32

Government are pleased to sanction the

Rule of Practice as pro-
-posed by the Chief
Court.

Draft. Agent
Chief Secretary

MBA
29/10.

To
The Registrar, Chief Court
Bangalore.